



HF 265 – Immigration Laws Enforcement (LSB1327HV)

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Fiscal Note Version – New

Requestor – Representative Mascher

Description

[House File 265](#) prohibits the State, counties, cities, Board of Regents institutions, Iowa community colleges, and State postsecondary educational institutions receiving State funds from limiting or restricting enforcement of federal immigration laws. The Bill would not allow a county to prohibit law enforcement officials or agencies from gathering citizenship or immigration status of individuals, direct law enforcement officials or agencies to not gather such information, or prohibit the communication of citizenship and immigration information to federal law enforcement agencies.

Background

An immigration detainer is a document that U.S. Immigration and Customs Enforcement (ICE) may use to request that a local law enforcement agency hold an undocumented immigrant for up to 48 hours so that ICE may take custody. This hold would be after that immigrant would otherwise have been released from local custody. In 2014 and 2016, federal judges have ruled that local law enforcement agencies are under no legal obligation to honor ICE detainers unless they are also accompanied by a probable cause warrant. Some local governments in Iowa have indicated that they will not honor ICE detainers unless there is an accompanying warrant.

According to the Pew Research Center, there were an estimated 40,000 undocumented immigrants of all ages living in Iowa in 2014.

Fiscal Impact

This Bill does not impact current law enforcement policies or practices at the local level, as law enforcement officials are currently cooperating with ICE and complying with federal law. To date, no State or local agency has indicated that there would be any cost to comply with the Bill.

Source

Pew Research Center

Iowa Association of Counties

Iowa League of Cities

Iowa State Sheriffs and Deputies Association

Miranda-Olivares v. Clackamas County, No. 3:12-cv-02317-ST (D. Or. April 11, 2014)

Moreno et al. v. Napolitano et al., No. 11C5452 (N.D. IL. Sept 30, 2016)

/s/ Holly M. Lyons

February 23, 2017

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
